

REMARKS

Claims 1-35 are currently pending. Claims 29-35 have been added. Applicants acknowledge and appreciate the Examiner's indication that Claims 13-23 are allowed and Claims 2-3, 10-12, and 25-27 contain allowable subject matter. New claims 32-35 depend from allowed claims and as such are allowable.

The Examiner rejected Claims 1 and 5 under 35 U.S.C. 103(a) as being unpatentable over Ferlatte (U.S. Patent No. 5,311,090) in view of Tiberend (U.S. Patent No. 4,521,997).

Claim 1 defines an apparatus comprising a driven element including a housing having an outer surface. The outer surface has a first raised portion and a first non-raised portion. The first non-raised portion at least partially surrounds the first raised portion. The first raised and first non-raised portions define a first surface pattern. The apparatus also includes a driving element operably coupled to the driven element and a shield coupled to the driving element such that the shield at least partially covers at least one of the driven element and the driving element. The shield includes an outer surface having a second raised portion and a second non-raised portion. The second non-raised portion at least partially surrounds the second raised portion. The second raised and second non-raised portions define a second surface pattern substantially similar to the first surface pattern.

Ferlatte does not teach or suggest, among other things, a driven element including a housing with a first raised and non-raised portion, and a shield having a second raised and non-raised portion. Rather, Ferlatte discloses a motor protection device that includes a fan enclosure that is partially defined by a peripheral wall 26 and a motor covered by a shield 28. However, as pointed out by the Examiner, both the peripheral wall and the shield are substantially smooth. Therefore, Ferlatte does not teach or suggest all of the limitations of Claim 1.

Instead, the Examiner argues that Tiberend cures the deficiencies of Ferlatte. Tiberend discloses a hay bail cover that includes a plurality of ribs that extend from one end to the other. As an initial matter, Tiberend is clearly non-analogous art. In developing a shield to cover at least a portion of a driving element and a driven element, one would not look to hay bail covers. As such, there is no motivation to combine the teachings of Tiberend with those of Ferlatte.

Furthermore, even if the references are combined, they do not teach or suggest applying raised portions to a housing and to a shield to establish a first surface pattern that is substantially similar to a second surface pattern. While Ferlatte shows a peripheral wall and a shield that are substantially flat, Ferlatte does not teach or suggest an advantage to this matching pattern. Tiberand shows a single cover with raised and lowered portions. However, Tiberand does not teach or suggest an advantage in applying a pattern to two separate components so that the patterns match. Thus, neither of the references teach or suggest providing a driven element having a housing with raised and non-raised portions that define a first pattern and a driving element including a shield having raised and non-raised portions that define a second surface pattern that substantially matches the first surface pattern.

For these and other reasons, Ferlatte and Tiberend, alone or in combination, do not teach or suggest the subject matter defined by independent Claim 1. Accordingly, independent Claim 1 is allowable. Dependant Claims 2-12 and 30-31 depend from independent Claim 1 and are allowable for the same and other reasons.

The Examiner rejected Claim 4, under 35 U.S.C. 103(a) as being unpatentable over Ferlatte in view of Tiberend and Murray (U.S. Patent No. 4,631,006).

Claim 4 depends from independent Claim 1 and adds that the driven element is a pump. As discussed with regard to Claim 1, Ferlatte and Tiberend do not teach or suggest all of the

limitations of Claim 1, much less those of Claim 4. Murray does not cure the deficiencies of Ferlatte and Tiberend. Murray teaches a motor driven vacuum pump. The motor is covered by a casing 10 and the pump is covered by a shell 18. The casing does not include at least one raised portion and at least one non-raised portion that defines a surface pattern that is substantially similar to the surface pattern of the shell.

For these and other reasons, Ferlatte, Tiberend, and Murray, alone or in combination, do not teach or suggest the subject matter defined by dependent Claim 4. Accordingly, dependent Claim 4 is allowable.

The Examiner rejected Claims 6-9, under 35 U.S.C. 103(a) as being unpatentable over Ferlatte in view of Tiberend and Meeks (U.S. Patent No. 6,093,990).

Claim 6 depends from independent Claim 1 and adds that the apparatus further comprises a conduit box coupled to the driving element. The conduit box has a base, and at least one wall that partially define a space having an open side opposite the base. The shield is coupled to the conduit box. As discussed with regard to Claim 1, Ferlatte and Tiberend do not teach or suggest all of the limitations of Claim 1, much less those of Claim 6. Meeks does not cure the deficiencies of Ferlatte and Tiberend. Meeks does not teach or suggest a driving element having a housing with at least one raised and non-raised portion that defines a pattern that substantially matches a pattern in a coupled driven element.

Furthermore, Meeks does not teach or suggest an apparatus that includes a conduit box including a base and at least one wall. Rather, Meeks discloses a cover for a motor that includes a motor cover device 1 and a conduit box cover device 4. The Examiner points to item 4 as teaching a conduit box. However, it is clear from the specification that item 4 is not a conduit box. Rather, item 4 is a conduit box cover. Thus, while Meeks teaches the use of a conduit box,

no details regarding that conduit box are given. As such, it is impossible to determine, among other things, if the conduit box of Meeks has a base and at least one wall.

For these and other reasons, Ferlatte, Tiberend, and Meeks, alone or in combination, do not teach or suggest the subject matter defined by dependent Claim 6. Accordingly, dependent Claim 6 is allowable. Dependant Claims 7-9 depend from dependent Claim 6 and are allowable for the same and other reasons.

The Examiner rejected Claims 24 and 28 under 35 U.S.C. 103(a) as being unpatentable over Meeks (U.S. Patent No. 6,093,990).

Claim 24 defines an apparatus comprising a motor and a conduit box coupled to the motor. The conduit box has a base, at least one wall, and an open side defined by the wall and opposite the base. A shield is coupled to the conduit box and is sized to cover the open side of the conduit box and at least partially cover the motor. A fastener is the sole attachment between the shield and the conduit box.

Meeks does not teach or suggest a conduit box having a base, at least one wall, and an open side defined by the wall opposite the base. Rather, Meeks discloses a motor 2 that is at least partially surrounded by a motor cover device 1. The Examiner points to item 4 as teaching a conduit box. However, it is clear from the specification that “[a]n optional conduit box cover device (4) is available as a means to protect the electric junction box and vital electrical connections to the motor from spray, splash and other external impacts.” Col. 4, lines 27-30. The conduit box cover 4 cannot be fairly characterized as a conduit box. As such, Meeks discloses a conduit box cover that includes a base and an open end but teaches nothing regarding the arrangement of the conduit box.

In addition, Meeks does not teach or suggest a shield coupled to the conduit box. Rather, Meeks discloses a motor at least partially covered by a motor cover device and a conduit box cover device. However, because no information is given regarding the arrangement or position of the conduit box, it is impossible to determine if the shield is coupled to the conduit box.

Furthermore, Meeks does not teach or suggest a fastener as the sole attachment between the shield and the conduit box. Rather, Meeks discloses that the conduit box cover can be attached to the motor cover device using "any suitable method." However, there is no discussion regarding the attachment, if any, between the shield and the conduit box. In addition, the phrase "any suitable method" teaches one of ordinary skill nothing. When faced with the problem of attaching one component to another, any attachment method chosen by one of ordinary skill, whether known or unknown by Meeks, would fall within the scope of the phrase "any suitable method." Thus, this clause cannot be fairly interpreted as teaching the use of a fastener as the sole attachment device between the shield and the conduit box.

For these and other reasons Meeks does not teach or suggest the subject matter defined by independent Claim 24. Accordingly, independent Claim 24 is allowable. Dependant Claims 25-29 depend from independent Claim 24 and are allowable for the same and other reasons.

CONCLUSION

In light of the foregoing, Applicants respectfully request entry of the amendments and allowance of claims 1-35.

Respectfully submitted,



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